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Criminal Law—Murder—Insane Delusions—Instructions.—People v. Hubert, 51 Pac. Rep. (Cal.) 329. An instruction was given in a murder trial enumerating and setting out the special beliefs which the defense claimed constituted the insane delusion or monomania which impelled the defendant to commit the homicide, and the jury were told that if the defendant entertained such beliefs, and they were unsound, existing only in his imagination, then they were insane delusions, as a matter of law. *Held*, error. There is no such rule of law: matters of science must always be proven, and are treated as matters of fact, and the court should not instruct in regard to them. That these matters are discussed in legal treatises or judicial opinions does not convert them into propositions of law.

Constitutional Law—Police Regulations—Restrictions on Interstate Commerce—Inspection of Sheep—Validity of Statute.—State v. Duckworth, 51 Pac. Rep. (Idaho) 456. Section 14 (Sess. Laws, 1895, p. 125), and Sections 4 and 6 (Sess. Laws, 1897, p. 115), amendatory thereof, known as the "Scab Laws," concerning the appointment of a sheep inspector, his fees for inspection, etc., and declaring it unlawful to bring sheep into the State unless they have first been inspected and dipped as provided by these acts, are repugnant to Section 8, Article I., of the Federal Constitution, relating to the regulation of commerce. They place an unnecessary burden and restriction upon interstate commerce and are not a valid exercise of the police power, as interpreted in *Gibbons v. Ogden*, 9 Wheat. 1. Said sections also discriminate against non-resident sheep owners in favor of resident owners to an extent repugnant to the Federal Constitution, Section 2, Article IV. The case is distinguished from those involving the constitutionality of what are known as "Texas Fever" statutes. Texas cattle are the natural *habitat* of the latter disease, while it is conceded that Idaho sheep are no more free from the "scab" than the sheep of other States. But see, for a "Texas Fever" decision, *R. R. Co. v. Husen*, 95 U. S. 465. Compare *Minnesota v. Barber*, 136 U. S. 313, 10 Sup. Ct. 862.

Defective Highways—Proximate Cause.—Davis v. Inhabitants of Longmeadow, 48 N. E. Rep. (Mass.) 774. Plaintiff's team became mired in the highway and while in the efforts and under the strain of getting it out, one of the horses burst a blood vessel and soon after died. *Held*, that if the driver reasonably thought he could get through the mud hole, and, exercising due care, made reasonable efforts to extricate the team therefrom, the bursting of the blood vessel and the horse's death were the direct and immediate consequence of the defect in the road.